



ORDINANCE NO. 3040

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY AMENDING ARTICLE VIII "USE REGULATION DISTRICTS," SECTION 8-400 "SPECIFIC USE PERMITS," SUBSECTION 8-410-3, PARAGRAPH I REGARDING LOCATION OF CERTAIN WELL SITE IMPROVEMENTS AND EQUIPMENT AND PARAGRAPH J RELATING TO THE LOCATION, DESIGN, AND OPERATION OF GAS COMPRESSORS AND ADDING A NEW SUBSECTION 8-410-4 RELATING TO ADDITIONAL CONDITIONS THAT MAY BE INCLUDED UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PUBLICATION

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, is hereby amended by amending Article VIII "Use Regulation Districts," Section 8-400 "Specific Use Permits," Subsection 8-410-3, Paragraphs I and J to read in their entirety as follows:

- I) Tank batteries, separators, and gas lift compressors shall be located at least three hundred (300) feet from any playground, athletic field, picnic area within a public park, or from any residence, religious institution, public building, hospital building or school, or any other building used, or designed for and intended to be used, for human occupancy, for which a building permit has been issued on the date of the application for a Gas Well Permit is filed. The distance shall be calculated from the closest tank batteries, separators or compressors, in a straight line, without regard to intervening structures or objects, to the closest part of the playground, athletic field, picnic area, residence, religious institution, public building,

hospital building or school, or any other building used or designed and intended to be used to human occupancy.

- J) Gas compressors, other than gas lift compressors, shall be fully enclosed. All gas compressors, including gas lift compressors, shall be designed and/or installed with sufficient soundproofing such that the gas compressor shall at no time produce a sound level greater than 5 dB(a) when measured at a distance of three hundred (300) feet from the compressor. Enclosed gas compressors shall be located not less than:
1. Six hundred (600) feet from playground, athletic field, picnic area within a park, or from a residence, religious institution, public building, hospital or school;
 2. Two Hundred (200) feet from any nonresidential structure intended for human occupancy;
 3. One hundred (100) feet from any nonresidential structure not intended for human occupancy (such as a pump house or switching station).

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, is hereby amended by amending Article VIII "Use Regulation Districts," Section 8-400 "Specific Use Permits," by adding Subsection 8-410-4, to read in its entirety as follows:

8-410-4 Conditions or regulations not specifically addressed in this Section 8-410 but that are determined to be necessary and in the public interest may be included in a Specific Use Permit granted under this Section 8-410; provided, however, such additional conditions may not reduce any distances or otherwise constitute an amendment to a provision specifically set forth in this Section 8-410.

SECTION 3. That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect; provided, however, the amendments made by this Ordinance shall not result in an amendment to, or result in a repeal in whole or in part of, any ordinance granting a specific use permit previously enacted by the City Council.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when

the offense was committed and the former law is continued in effect for this purpose. This ordinance shall apply to and be effective with respect to (a) all new applications for a Specific Use Permit submitted pursuant to Section 8-410 of the Comprehensive Zoning Ordinance submitted on and after the effective date of this Ordinance and (b) to all pending applications for a Specific Use Permit pursuant to Section 8-410 of the Comprehensive Zoning Ordinance submitted prior to the effective date of this Ordinance but on which final action has not been taken by the City Council.

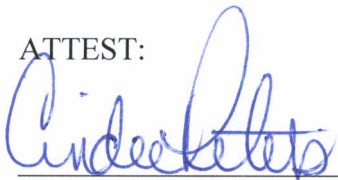
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. In addition to and accumulative of all other penalties, the City of Farmers Branch shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

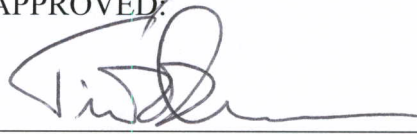
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 1 day of September 2009.

ATTEST:



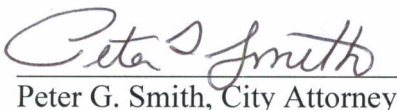
Cindee Peters, City Secretary

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney